

107TH CONGRESS
1ST SESSION

H. R. 3069

To secure American families effectively.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2001

Mr. PAUL introduced the following bill; which was referred to the Committee
on the Judiciary

A BILL

To secure American families effectively.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing American
5 Families Effectively (SAFE) Act”.

6 **TITLE I—IMMIGRATION**

7 **SEC. 101. VISAS.**

8 (a) STUDENT.—No citizens from a country which is
9 one the State Department’s list of governments which
10 have sponsored terrorism or on the State Department’s
11 list of governments which have been less than fully cooper-

1 ative in anti-terrorism efforts shall be granted a visa per-
 2 mitting study in the United States.

3 (b) DIVERSITY IMMIGRANT PROGRAM.—No citizen
 4 from a country on the State Department’s list of govern-
 5 ments which have sponsored terrorism or on the State De-
 6 partment’s list of governments which have been less than
 7 fully cooperative in anti-terrorism efforts may be issued
 8 an immigrant visa under section 203(c) of the Immigra-
 9 tion and Nationality Act (8 U.S.C. 1153(c)) (governing
 10 the diversity immigrant program).

11 **TITLE II—DATA SHARING;** 12 **INTELLIGENCE GATHERING**

13 **SEC. 201. REQUIRING SHARING BY THE FEDERAL BUREAU** 14 **OF INVESTIGATION OF CERTAIN CRIMINAL** 15 **RECORD EXTRACTS WITH OTHER FEDERAL** 16 **AGENCIES IN ORDER TO ENHANCE BORDER** 17 **SECURITY.**

18 (a) IN GENERAL.—Section 105 of the Immigration
 19 and Nationality Act (8 U.S.C. 1105), is amended—

20 (1) in the section heading, by adding “AND
 21 DATA EXCHANGE” at the end;

22 (2) by inserting “(a) LIAISON WITH INTERNAL
 23 SECURITY OFFICERS.—” after “105.”;

24 (3) by striking “the internal security of” and
 25 inserting “the internal and border security of”; and

1 (4) by adding at the end the following:

2 “(b) CRIMINAL HISTORY RECORD INFORMATION.—

3 The Attorney General and the Director of the Federal Bu-
4 reau of Investigation shall provide the Secretary of State
5 and the Commissioner access to the criminal history
6 record information contained in the National Crime Infor-
7 mation Center’s Interstate Identification Index, Wanted
8 Persons File, and to any other files maintained by the Na-
9 tional Crime Information Center that may be mutually
10 agreed upon by the Attorney General and the official to
11 be provided access, for the purpose of determining whether
12 a visa applicant or applicant for admission has a criminal
13 history record indexed in any such file. Such access shall
14 be provided by means of extracts of the records for place-
15 ment in the Department of State’s automated visa lookout
16 database or other appropriate database, and shall be pro-
17 vided without any fee or charge. The Director of the Fed-
18 eral Bureau of Investigation shall provide periodic updates
19 of the extracts at intervals mutually agreed upon by the
20 Attorney General and the official provided access. Upon
21 receipt of such updated extracts, the receiving official shall
22 make corresponding updates to the official’s databases
23 and destroy previously provided extracts. Such access to
24 any extract shall not be construed to entitle the Secretary
25 of State to obtain the full content of the corresponding

1 automated criminal history record. To obtain the full con-
2 tent of a criminal history record, the Secretary of State
3 shall submit the applicant's fingerprints and any appro-
4 priate fingerprint processing fee authorized by law to the
5 Criminal Justice Information Services Division of the Fed-
6 eral Bureau of Investigation.

7 “(c) RECONSIDERATION.—The provision of the ex-
8 tracts described in subsection (b) may be reconsidered by
9 the Attorney General and the receiving official upon the
10 development and deployment of a more cost-effective and
11 efficient means of sharing the information.

12 “(d) REGULATIONS.—For purposes of administering
13 this section, the Secretary of State shall, prior to receiving
14 access to National Crime Information Center data, pro-
15 mulgate final regulations—

16 “(1) to implement procedures for the taking of
17 fingerprints; and

18 “(2) to establish the conditions for the use of
19 the information received from the Federal Bureau of
20 Investigation, in order—

21 “(A) to limit the redissemination of such
22 information;

23 “(B) to ensure that such information is
24 used solely to determine whether to issue a visa
25 to an individual;

1 “(C) to ensure the security, confidentiality,
2 and destruction of such information; and

3 “(D) to protect any privacy rights of indi-
4 viduals who are subjects of such information.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 of the Immigration and Nationality Act is amended by
7 amending the item relating to section 105 to read as fol-
8 lows:

 “Sec. 105. Liaison with internal security officers and data exchange.”.

9 (c) EFFECTIVE DATE AND IMPLEMENTATION.—The
10 amendments made by this section shall take effect on the
11 date of the enactment of this Act and shall be fully imple-
12 mented not later than 18 months after such date.

13 (d) REPORTING REQUIREMENT.—Not later than 2
14 years after the date of the enactment of this Act, the At-
15 torney General and the Secretary of State, jointly, shall
16 report to the Congress on the implementation of the
17 amendments made by this section.

18 (e) CONSTRUCTION.—Nothing in this section, or in
19 any other law, shall be construed to limit the authority
20 of the Attorney General or the Director of the Federal
21 Bureau of Investigation to provide access to the criminal
22 history record information contained in the National
23 Crime Information Center’s Interstate Identification
24 Index, or to any other information maintained by such
25 center, to any Federal agency or officer authorized to en-

1 force or administer the immigration laws of the United
 2 States, for the purpose of such enforcement or administra-
 3 tion, upon terms that are consistent with sections 212
 4 through 216 of the National Crime Prevention and Pri-
 5 vacy Compact Act of 1998 (42 U.S.C. 14611 et seq.).

6 **SEC. 202. AUTHORIZED DISCLOSURE.**

7 Section 2510(7) of title 18, United States Code, is
 8 amended by inserting “, and (for purposes only of section
 9 2517 as it relates to foreign intelligence information) any
 10 Federal law enforcement, intelligence, national security,
 11 national defense, protective, immigration personnel, or the
 12 President or Vice President of the United States” after
 13 “such offenses”.

14 **SEC. 203. PERIOD OF ORDERS OF ELECTRONIC SURVEIL-**
 15 **LANCE OF NON-UNITED STATES PERSONS**
 16 **UNDER FOREIGN INTELLIGENCE SURVEIL-**
 17 **LANCE.**

18 (a) INCLUDING AGENTS OF A FOREIGN POWER.—(1)
 19 Section 105(e)(1) of the Foreign Intelligence Surveillance
 20 Act of 1978 (50 U.S.C. 1805(e)(1)) is amended by insert-
 21 ing “or an agent of a foreign power, as defined in section
 22 101(b)(1)(A),” after “or (3),”.

23 (2) Section 304(d)(1) of such Act (50 U.S.C.
 24 1824(d)(1)) is amended by inserting “or an agent of a

1 foreign power, as defined in section 101(b)(1)(A),” after
2 “101(a),”.

3 (b) PERIOD OF ORDER.—Such section 304(d)(1) is
4 further amended by striking “forty-five” and inserting
5 “90”.

6 **TITLE III—EXPANSION OF FBI** 7 **LINGUISTIC CAPACITY**

8 **SEC. 301. EMPLOYMENT OF TRANSLATORS BY THE FED-** 9 **ERAL BUREAU OF INVESTIGATION.**

10 (a) AUTHORITY.—The Director of the Federal Bu-
11 reau of Investigation is authorized to expedite the employ-
12 ment of personnel as translators to support
13 counterterrorism investigations and operations without re-
14 gard to applicable Federal personnel requirements and
15 limitations.

16 (b) SECURITY REQUIREMENTS.—The Director of the
17 Federal Bureau of Investigation shall establish such secu-
18 rity requirements as are necessary for the personnel em-
19 ployed as translators.

20 (c) REPORT.—The Attorney General shall report to
21 the Committees on the Judiciary of the House of Rep-
22 resentatives and the Senate on—

23 (1) the number of translators employed by the
24 FBI and other components of the Department of
25 Justice;

1 (2) any legal or practical impediments to using
 2 translators employed by other Federal State, or local
 3 agencies, on a full, part-time, or shared basis; and
 4 (3) the needs of the FBI for specific translation
 5 services in certain languages, and recommendations
 6 for meeting those needs.

7 **TITLE IV—CRIMINAL JUSTICE**

8 **SEC. 401. STATUTE OF LIMITATION FOR PROSECUTING** 9 **TERRORISM OFFENSES.**

10 (a) IN GENERAL.—Section 3286 of title 18, United
 11 States Code, is amended to read as follows:

12 **“§ 3286. Terrorism offenses**

13 “(a) An indictment may be found or an information
 14 instituted at any time without limitation for any Federal
 15 terrorism offense or any of the following offenses:

16 “(1) A violation of, or an attempt or conspiracy
 17 to violate, section 32 (relating to destruction of air-
 18 craft or aircraft facilities), 37(a)(1) (relating to vio-
 19 lence at international airports), 175 (relating to bio-
 20 logical weapons), 229 (relating to chemical weap-
 21 ons), 351(a)–(d) (relating to congressional, cabinet,
 22 and Supreme Court assassination and kidnaping),
 23 792 (relating to harboring terrorists), 831 (relating
 24 to nuclear materials), 844(f) or (i) when it relates
 25 to bombing (relating to arson and bombing of cer-

1 tain property), 1114(1) (relating to protection of of-
2 ficers and employees of the United States), 1116, if
3 the offense involves murder (relating to murder or
4 manslaughter of foreign officials, official guests, or
5 internationally protected persons), 1203 (relating to
6 hostage taking), 1751(a)–(d) (relating to Presi-
7 dential and Presidential staff assassination and kid-
8 naping), 2332(a)(1) (relating to certain homicides
9 and other violence against United States nationals
10 occurring outside of the United States), 2332a (re-
11 lating to use of weapons of mass destruction), 2332b
12 (relating to acts of terrorism transcending national
13 boundaries) of this title.

14 “(2) Section 236 (relating to sabotage of nu-
15 clear facilities or fuel) of the Atomic Energy Act of
16 1954 (42 U.S.C. 2284);

17 “(3) Section 601 (relating to disclosure of iden-
18 tities of covert agents) of the National Security Act
19 of 1947 (50 U.S.C. 421).

20 “(4) Section 46502 (relating to aircraft piracy)
21 of title 49.

22 “(b) An indictment may be found or an information
23 instituted within 15 years after the offense was committed
24 for any of the following offenses:

1 “(1) Section 175b (relating to biological weap-
2 ons), 842(m) or (n) (relating to plastic explosives),
3 930(c) if it involves murder (relating to possessing
4 a dangerous weapon in a Federal facility), 956 (re-
5 lating to conspiracy to injure property of a foreign
6 government), 1030(a)(1), 1030(a)(5)(A), or
7 1030(a)(7) (relating to protection of computers),
8 1362 (relating to destruction of communication
9 lines, stations, or systems), 1366 (relating to de-
10 struction of an energy facility), 1992 (relating to
11 trainwrecking), 2152 (relating to injury of fortifica-
12 tions, harbor defenses, or defensive sea areas), 2155
13 (relating to destruction of national defense mate-
14 rials, premises, or utilities), 2156 (relating to pro-
15 duction of defective national defense materials,
16 premises, or utilities), 2280 (relating to violence
17 against maritime navigation), 2281 (relating to vio-
18 lence against maritime fixed platforms), 2339A (re-
19 lating to providing material support to terrorists),
20 2339B (relating to providing material support to
21 terrorist organizations), or 2340A (relating to tor-
22 ture).

23 “(2) Any of the following provisions of title 49:
24 the second sentence of section 46504 (relating to as-
25 sault on a flight crew with a dangerous weapon),

1 section 46505(b)(3), (relating to explosive or incen-
 2 diary devices, or endangerment of human life by
 3 means of weapons, on aircraft), section 46506 if
 4 homicide or attempted homicide is involved, or sec-
 5 tion 60123(b) (relating to destruction of interstate
 6 gas or hazardous liquid pipeline facility) of title
 7 49.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of chapter 213 of title 18, United States
 10 Code, is amended by amending the item relating to section
 11 3286 to read as follows:

“3286. Terrorism offenses.”.

12 (c) APPLICATION.—The amendments made by this
 13 section shall apply to the prosecution of any offense com-
 14 mitted before, on, or after the date of enactment of this
 15 section.

16 **SEC. 402. ALTERNATIVE MAXIMUM PENALTIES FOR TER-**
 17 **RORISM CRIMES.**

18 Section 3559 of title 18, United States Code, is
 19 amended by adding after subsection (d) the following:

20 “(e) AUTHORIZED TERMS OF IMPRISONMENT FOR
 21 TERRORISM CRIMES.—A person convicted of any Federal
 22 terrorism offense may be sentenced to imprisonment for
 23 any term of years or for life, notwithstanding any max-
 24 imum term of imprisonment specified in the law describing
 25 the offense. The authorization of imprisonment under this

1 subsection is supplementary to, and does not limit, the
2 availability of any other penalty authorized by the law de-
3 scribing the offense, including the death penalty, and does
4 not limit the applicability of any mandatory minimum
5 term of imprisonment, including any mandatory life term,
6 provided by the law describing the offense.”.

7 **SEC. 403. PENALTIES FOR TERRORIST CONSPIRACIES.**

8 Chapter 113B of title 18, United States Code, is
9 amended—

10 (1) by inserting after section 2332b the fol-
11 lowing:

12 **“§ 2332c. Attempts and conspiracies**

13 “(a) Except as provided in subsection (c), any person
14 who attempts or conspires to commit any Federal ter-
15 rorism offense shall be subject to the same penalties as
16 those prescribed for the offense, the commission of which
17 was the object of the attempt or conspiracy.

18 “(b) Except as provided in subsection (c), any person
19 who attempts or conspires to commit any offense described
20 in section 25(2) shall be subject to the same penalties as
21 those prescribed for the offense, the commission of which
22 was the object of the attempt or conspiracy.

23 “(c) A death penalty may not be imposed by oper-
24 ation of this section.”; and

1 (2) in the table of sections at the beginning of
2 the chapter, by inserting after the item relating to
3 section 2332b the following new item:

“2332c. Attempts and conspiracies.”.

4 **TITLE V—PROBABLE CAUSE**

5 **SEC. 501. PROBABLE CAUSE.**

6 Notwithstanding any other provision of law or regula-
7 tion probable cause shall be the maximum standard for
8 authorizing an investigation, or issuing a search warrant,
9 related to investigations of suspected terrorists.

